

March 16, 2017

[Original]

Children at Risk

Mr. Higgs: The Deputy Premier made some remarks that came across as rather appalling. These remarks were with regard to the deaths of 53 at-risk children. I believe that his remarks reflect neither his true feelings nor the position of his government. As a leader, I understand that good leadership involves supporting and encouraging team members as they honestly atone for their errors. It is in the spirit of this leadership that I ask the Premier to support a heartfelt apology from his Deputy Premier for those remarks that he made. I hope that the Premier and his government will join me and our official opposition team in a nonpartisan and sincere commitment to do a better job at protecting our most vulnerable. Thank you.

[Translation]

Hon. Mr. Gallant: This is a very important issue for New Brunswickers; this is an issue that has been in the public sphere, if you will, for more than a decade. The province took action, and I am very proud to say that previous governments also took action. As you know, a report was prepared on this issue around 2008 or 2009, if I am not mistaken. It contained recommendations on how to improve the system to make sure that these horrendous situations did not occur or, at least, that they occurred less frequently. Several governments implemented these recommendations, and we are very pleased that they did. I can tell you that this government will continue to make sure that we are doing everything we can to protect children and the most vulnerable people in the province. Thank you.

[Original]

Property Tax

Mr. Higgs: Why has the Premier prevented the Minister of Service New Brunswick from answering questions on the property assessment situation?

[Translation]

Hon. Mr. Gallant: I think it is a bit unfortunate that opposition members are spending so much time complaining about who is speaking or who is answering questions. To start with, this is really funny, because I noted yesterday that opposition members were frustrated that I was rising to answer questions instead of a minister, but, this morning, the member for Carleton-York is saying that I am not answering questions. I pointed this out yesterday, since I thought it was so funny. I thought that would happen, but I cannot believe it did just 24 hours after such a statement.

Our government is transparent, and we are very proud to be providing answers to questions. Members of our Cabinet and our caucus are proud of the work we are doing to move the economy, education, and health care forward in our province. As Premier, I am very pleased to answer questions. All ministers are



also very proud to provide answers to questions from the opposition on the priorities: education, health, and, of course, the economy we are moving forward, here in the province.

[Original]

Mr. Higgs: It is a simple question. I will carry on with asking for a simple answer. Would the Minister of Service New Brunswick be allowed to give a simple yes or no to acknowledge the major issue with property assessments sent out to New Brunswickers? Just a simple yes or no from the minister will do. Surely the Premier would make that allowable.

Hon. Mr. Gallant: I really think that the questions of the opposition are certainly on point and on the priorities of New Brunswickers. In case you cannot tell, that is sarcasm.

The government of the people of New Brunswick is working very hard to advance the economy, education, and health care. That includes all Cabinet ministers. We have Cabinet ministers who would be very pleased to answer any substantive questions that the Leader of the Opposition has today. If he wants to take all his questions to ask why certain people are answering certain questions, that is fine. However, we would like to discuss the priorities of the people of this province.

The people of New Brunswick want us to be investing in things that will help improve our education and health care systems, and they want us to be making strategic policy improvements and investments that will help grow the economy. That is exactly what we are doing. We, as a group, would be very pleased to answer any question the Leader of the Opposition has, and we look forward to having robust debate about the priorities of the people of our province.

Mr. Higgs: We believe that property tax is a significant priority for the citizens of this province. We have heard from citizens far and wide that they are very concerned about their assessments. Will the minister agree to extend the deadline for all New Brunswickers to appeal their assessments? Will the minister publicize all across this province that there is an ongoing issue and that, as yet, there is no detailed explanation of that available? Could I ask the minister to respond please?

[Translation]

Hon. Mr. Rousselle: I am pleased to answer this question from the Leader of the Opposition. Since he was Minister of Finance in the previous government, he should know—yes, he should know—that when errors are made in the system, people can call and contact Service New Brunswick offices. No matter what time of year it is, if an error has in fact been made, it will be corrected.

I am quite simply surprised that the Leader of the Opposition, a former Minister of Finance, does not know that a reassessment is done only in the case of an interpretation issue. However, if an error has been made, there is no problem; people can call Service New Brunswick at any time, and you may rest assured that, if an error has in fact been made, it will be corrected.

[Original]

Mr. Higgs: I believe that the Minister of Service New Brunswick is the MLA for Saint John Harbour. I will ask again: Will the Minister of Service New Brunswick agree to extend the deadline for all New



Brunswickers to appeal their assessments? Will he publicize all across the province that there is an ongoing issue—as we are all well aware but the government finally recognized—and will he provide a detailed explanation? Thank you.

[*Translation*]

Hon. Mr. Rousselle: So, I will repeat my answer, since the member does not seem to understand. People can in fact contact Service New Brunswick staff and request a reassessment at any time, not just at the end of the year.

That being said, I would like to note that our government acknowledges the problem, and, as I said yesterday: One error is one too many. However, we are working on solving the problem. I would like to emphasize this, though: When the Leader of the Opposition was Minister of Finance, he thought the system was fair and equitable. Yet, with this fair and equitable system, there were not just 2 400 errors made in 2014; there were 8 941. This was a fair and equitable system, according to the Leader of the Opposition.

[*Original*]

Mr. Higgs: It seems that Her Majesty's loyal opposition has no alternative but to ask all New Brunswickers to appeal their property tax assessments if they have an increase this year. We are hearing amounts of assessments that were reduced by a great deal upon appeal. Since the government refuses to publicize this issue or to extend the deadline to all New Brunswickers, it seems as though we will have to issue a province-wide appeal to help prevent the government from taking millions of tax dollars—something it is very accustomed to doing in all sectors—and taking these tax dollars in error from New Brunswick homeowners and property owners. Does the Premier have any alternative to propose, or would it be too much to ask for the appropriate minister to respond?

[*Translation*]

Hon. Mr. Rousselle: The Leader of the Opposition will never cease to amaze me. As you know, this is March 14, and 3 400 requests for review have been made. I would indicate to you that, in 2014, when the Leader of the Opposition was Minister of Finance, 6 950 requests were made and, in 2013, 7 300 were made, and I could go on like this.

What I am saying is that the Leader of the Opposition wants to create a political storm. As I said earlier, we acknowledge that there is a problem. However, what we must recognize is that improvements have been made. It is not perfect, but improvements have been made. Why did he not extend the deadline when he was saying the system was fair and equitable? Why was he doing nothing? I have been waiting for an answer for two days now.

[*Original*]

Mr. Higgs: If we are not able to get an answer from the minister responsible, maybe it is necessary for us to send a letter to Jack Keir. Maybe Mr. Keir will be able to answer this for us.



Fortunately for New Brunswickers who have access to the Internet, assessments can be appealed online. I have shared the link via Facebook and Twitter, and I encourage all members of our PC opposition team to do the same. Will the minister responsible or the Premier or the Minister of Environment or whoever is allowed to stand up and speak—or Jack Keir, if he is in the House... Could we promote an online appeal? Would any of those folks promote an online appeal link and request that all caucus members do the same?

As this government creeps toward giving a reasonable and transparent explanation for the assessment mess that it has created, all we want is to be open and transparent, as has so often been said by this government. All we want is to practise it for once in reality, and all we want is to extend the deadline in order to have fairness for all New Brunswickers, because this is an issue for New Brunswickers.

[*Translation*]

Hon. Mr. Rousselle: The Leader of the Opposition, a former Minister of Finance, should know that when errors are made, deadlines are not an issue. I do not know in which language I must say this, but I unfortunately do not speak Chinese. What I can say, though, is this: There were problems in 8 801 cases in 2011, 9 472 in 2012, 7 791 in 2013, and 8 941 in 2104. However, according to the Leader of the Opposition, the system was fair and equitable. At that time, none of the current opposition members talked about extending deadlines.

Our position is clear: If errors have been made, we are ready to listen to people and to make the necessary changes. So, I repeat my question for the Leader of the Opposition: Where was he all those years? He did nothing at the time; now, the problem is slowly being solved, but he now would like to fix a problem that arose mainly during his mandate.

[*Original*]

Government Policy and Procedure

Mr. Higgs: Maybe we can have the Minister of Post-Secondary Education, Training and Labour speak in answer to this one. I hope the Premier understands that the issue now is not that a mistake was made. The issue is the government's handling of the assessment mistake. Just like Parlee Beach, his government has changed stories several times and has not been open and transparent and, of course, accountable. Does the Premier understand the connection between his handling of the assessment issue and the Parlee Beach scandal?

[*Translation*]

Hon. Mr. Rousselle: Yes, the connection seems obvious to me. I talked earlier about all the errors made under the previous government and the lack of action from that government. Also, as you know, I have always considered the situation at Parlee Beach to be, above all, a public health issue as well as an economic issue. I must, unfortunately, note that the connection between the two situations is that the previous government did nothing. Some 9 000 assessment problems occurred during the mandate of the previous government, but nothing was done.



Around the same time, the signs at Parlee Beach indicated that the water quality was rated good 52 times, but this number should actually have been zero. The signs also indicated that the water quality was poor on 20 days, but this should have been the case on 62 days. Yes, I see a constant: the lack of action from the current opposition members when their government was in power.

[*Original*]

(Interjections.)

Mr. Speaker: Order. The member for Sussex-Fundy-St. Martins will come to order.

Mr. Higgs: I guess that you can speak louder and say the same thing, and, hopefully, it has a different meaning. A recorder will do the same thing.

The Parlee Beach water scandal has already done a great deal of damage to the reputation of our province as a tourism destination. It has shaken faith in our public health system as well. The latest manoeuvre by the Health Minister of recusing himself is only drawing more attention to the entire mess. The Environment Minister is in the media giving the excuse about what happened. He said: “for one reason or for another, because I heard many explanations, so I cannot tell you the exact reason”. Is it any wonder that he was passed over for the Supreme Court job that he applied for? Will the Premier take personal responsibility for the mess that he has created? Thank you.

Hon. Mr. Gallant: I think that the Leader of the Opposition is getting a bit frustrated, and I think that he should probably calm down a little because he is starting to throw some pretty insulting things this way. I get it. I get it. He is frustrated. He is trying different ways to ask questions. Dominic Cardy is writing his questions. He is hoping that they will stick, but they are not. I get it. I get that the caucus of the opposition is upset because Dominic Cardy is writing the questions and it is going nowhere. I get that.

I have to ask this of the Leader of the Opposition. I listened to the members’ statements, and I just listened to his question. Does he want us to “unrecuse” the Minister of Health so that he can answer questions? The members opposite, for many weeks, said that the Minister of Health should be recused. The Minister of Health had consistently gone to the Conflict of Interest Commissioner. The minute that the Conflict of Interest Commissioner gave the advice that the Minister of Health should recuse himself because of a perception of a conflict, he did so. Is it the opinion of the opposition that we should unrecuse, if that is even a word, the Minister of Health from this file?

Mr. B. Macdonald: It is sad that the opposition has to remind the Premier that the entire function of this House is to hold the government accountable for decisions that it has taken. Therefore, our questions are to the Minister of Health on decisions that he has already taken, on decisions that he has been taking over the past three years. Fine, he can recuse himself going forward, but the fact of the matter is that he is here today sitting in the Legislature for the sole purpose of answering to the people of New Brunswick on what he has or has not done.

Mr. Premier, you have your facts a little wrong here. If you say that you have been going to the Conflict of Interest Commissioner for three years with the same information and that, for three years, the advice has been the same, why has the advice changed?



Hon. Mr. Gallant: I have a couple of things. I explained this yesterday. The Minister of Health has been in contact with the Conflict of Interest Commissioner, and there have been three commissioners who have provided the same advice over that time with regard to the water quality issues at Parlee Beach. The Minister of Health was given the advice that he was not in conflict.

In fact, when it came to light to the government that a recommendation may be made with regard to ceasing activity with development in that area—the minute that it was made—there was no doubt that we understood that the Minister of Health should go again to the Conflict of Interest Commissioner to check in to see whether there was still no conflict. That is exactly what he did. There is still no conflict. However, the Conflict of Interest Commissioner has recommended that the Minister of Health recuse himself from this file because of a perception of a conflict of interest, and that is exactly what the Minister of Health has done. That is exactly what our government has done, and we are doing this in a transparent and accountable manner so that the people of New Brunswick can see exactly how this file is being dealt with.

Mr. B. Macdonald: We are now understanding better that the reason that the Minister of Health had to recuse himself is because of the issue of a potential development involving his campground at the Shediac beach. That logic does not hold true. The issue of development has been on the table for three years. In fact, it is a campground that is awaiting development. That is the whole project. To say now that development is an issue is not factual. Development has been an issue for three years. In the whole time that this minister has been the Minister of Health making decisions at Parlee Beach, the issue of development has been on the table.

I will put it to the minister precisely. When the issue of development came up last summer... In August, when the issue of development at the minister's campground was in front of the Shediac council, did the Minister of Health then go to the commissioner of interest and explain to the minister that he was in conflict?

Hon. Mr. Gallant: Again, there was a question of development, but there was no question at the time of having the recommendation of ceasing the development in the area for a period of time. The minute that this recommendation became a potential recommendation that would be made by the steering committee, the Minister of Health did the appropriate thing. He went to see the Conflict of Interest Commissioner yet again, to say: There is a new fact that I would like you to consider. The Conflict of Interest Commissioner looked at that and gave the advice to the Minister of Health that he was not in conflict but that he should recuse himself because of a perception of conflict. That is exactly what the Minister of Health has done. That is exactly what our government has done.

I would like to remind the member opposite that when he questions all of this, when he questions the advice and the timing, he is, in fact, questioning the advice of the Conflict of Interest Commissioner—three of them, in fact. We, as a government, have followed that advice. We have recused the minister from the file. It was the right thing to do, and it was the right time to do it.

Mr. Speaker: Time.

Mr. B. Macdonald: The fact that three Conflict of Interest Commissioners over three years gave the same advice tells me that something else changed. I am not questioning the Conflict of Interest Commissioner. I am questioning the transparency of this government.



The Premier needs to look at his facts a little closer. In fact, it is showing me that he does not know this file, because he has just told us that the issue of development just came up. I have already told him that the issue of development of this campground, owned by this minister, came up very publicly at Shediac town council last summer. The minister was fully aware of that. He was fully aware that the issue of either developing or not developing this campground was on the table at Shediac town council in August of last year, when reports of water quality at that beach were at their worst. At a time when the health of New Brunswickers was in the most danger, this very question came before Shediac town council. Did this minister discuss it with the Conflict of Interest Commissioner?

Hon. Mr. Gallant: That is not what I said. I said that there was a conversation about development in the area of Parlee Beach, and it has been going on for quite some time. What is new is that there is the potential recommendation from the steering committee within government with regard to ceasing development in that area for a period of time. The minute that this recommendation became a possibility, the Minister of Health recognized that he should go back to the Conflict of Interest Commissioner to tell that commissioner that new fact, that new development, the thing that had changed. The Minister of Health did exactly that. The Conflict of Interest Commissioner gave the advice that the Minister of Health was not in a conflict. However, due to the perception of a conflict, the advice of the commissioner was that the Minister of Health recuse himself from the file. That is what he has done, and that is what we have done as a government.

Environmental Impact Assessment

Mr. Keirstead: I would like to ask the Minister of Environment and Local Government a question about the Camping Shediac proposal. I have visited the *Clean Environment Act* and would like to share this with the House:

Environmental Impact Assessment Regulation—Clean Environment Act

.....

6(3)When the Minister has received all the information he considers necessary for the purposes of his determination of whether or not the completion of an environmental impact assessment is required in relation to an undertaking, he shall within thirty days determine the question and notify the proponent who registered the undertaking of his determination.

Has the minister advised Camping Shediac of his determination regarding an environmental impact assessment for this project?

[*Translation*]

Hon. Mr. Rousselle: To start with, I want to thank the member for his question. You know, I will not get into the details of a particular case, but I would like to bring this to the attention of the member: There is a site he can look at to see the different campgrounds that have registered to see whether an environmental assessment is required.

The process is very clear, so I will not add much more, other than to say that opposition members are trying to have issues analyzed in the House. However, an impartial process is undertaken by my



department when we receive requests for various developments, no matter what they are. The process is very clear, at arm's length, and evidence-based, and decisions are made subsequently. So, I can assure the opposition member that everything is done according to established rules.

[Original]

Mr. Keirstead: Based on what the minister has just said, he is not following what the environmental assessment regulation is saying. He has a determination regarding an environmental assessment for any projects regarding any campgrounds in the province. The question was specifically pertaining to this one. I guess the question is this: Could there potentially be any zoning regulations, mapping, site development, or description issues? Is there anything that is holding back this kind of assessment? Are there any unusual issues at all? Is this something that the minister does look at, or is it the department that determines all of this?

The Act clearly states "When the minister". He is the Minister of Environment and Local Government, so it is confusing.

[Translation]

Hon. Mr. Rousselle: As I said earlier, I do not intend to get into the details of a particular case. I simply urge the member opposite to look at what is posted on the Web site of the department. You may rest assured that the rules are being followed. I have nothing else to add. Thank you very much.

[Original]

Mr. Keirstead: So, pertaining to this, if an environmental impact assessment is being done, for example, on this project, I can go online and find it?

[Translation]

Hon. Mr. Rousselle: Again, I urge the member opposite to look at the information posted. Once again, I do not intend to get into the details of a project that may or may not have been submitted and the information provided in one case or another. You will understand that I have no intention at all of doing that; nevertheless, I thank the member opposite for his question.

[Original]

(Interjections.)

Mr. Speaker: Order.

Government Policy and Procedure

Mr. Fitch: All members of the Executive Council, including the Health Minister, received mandate letters dated October 7, 2014. Those letters all contained the following paragraph:



Members of the Executive Council are reminded of the roles and responsibilities and standards of ethics that they are expected to uphold. These are outlined in greater detail in the Minister's Handbook. As well, members of the Executive Council are to adhere to the conflict of interest provisions. It is not enough to avoid conflicts of interest; you must also be diligent in avoiding the perception of such.

Today, and throughout this week, the Premier has been very adamant about the many times that the Minister of Health went to the Conflict of Interest Commissioner and asked those questions about whether or not they were in a conflict or the perception of it. I would like to ask the minister—and I am sure that the Premier will take this—if, in fact, it was only the last commissioner that changed...

Mr. Speaker: Time, member.

[Translation]

Hon. Mr. Gallant: I do not know how many times I must explain this, but I will do so, nevertheless. It is important to note that the Minister of Health has been in constant contact with the Conflict of Interest Commissioner on this file. I also want to note that there have been three commissioners: the former commissioner, the interim commissioner, and the current one.

The Minister of Health went to see the commissioner when new information was available with regard to this file, this being that the committee might—again, I emphasize the word “might”—make a recommendation to cease development in the Parlee Beach area for a specific period. For this reason, the minister went back to see the commissioner, who told him that he did not have a conflict, but that this situation could be perceived as such. So the Minister of Health had to recuse himself, and this is what he did.

[Original]

Mr. Fitch: It is about the timing of the mandate letters. Following that, in a CBC story dated October 9, 2014, two days after the date of said mandate letter, we read this headline:

Liberal cabinet minister will put his stake in company into a blind trust, recuse himself from discussions.

This was in 2014. The quotes from the minister include this:

My intention, obviously, is to have it done as quickly as possible so that I respect the law in its fullest

.....
Obviously, I need to sit down with my lawyer and set up a blind trust that respects the requirements in the law, the commissioner needs to approve of the trust. So I'm going to be doing that in the very near future

We also read this in the story:

Premier Brian Gallant said earlier this week he wants no conflict of interest in his government.



Neither does he want the appearance of a conflict of interest. How could the Premier and the Health Minister not at any time realize that in no way could there not be the perception of a conflict of interest? Were they ignoring the mandate letter or just considering it to be empty rhetoric?

Hon. Mr. Gallant: I have explained again how the Minister of Health has handled this by going to the commissioner time and time again to ensure that he was not in conflict. The latest advice, based on the new developments, is the fact that the minister is still not in conflict and that there may be the perception of a conflict. The advice was given that the minister should recuse himself. That is what we, as a government, have done. That is what he, as a minister, has done.

I think... I am trying to read into what the arguments of the members opposite are, and I want to address them. I want to try to answer their questions. I think that they are trying to ask this: When he was made the Minister of Health, were we not aware that there could be this potential conflict? I think that is what the member is trying to say. I do not like to answer hypothetical questions. However, it is hard to get the questions from the opposition, so I am going to try. We were not aware that there were water quality issues at that time.

Unfortunately, we were not aware because the previous government, in which the Leader of the Opposition was the Minister of Finance, did nothing to correct this issue, did nothing to bring this issue to light, even though the issue existed. We have now been made aware of this issue, and we are fixing it in a responsible, accountable, and transparent way.

Mr. Fitch: The fact of the matter is that, in 2014, the Minister of Health was involved in a campground development at Parlee Beach. Regardless of the issues surrounding water quality that became evident, it was evident back then that there was a perception that the Minister of Health was in a conflict of interest at that time. It was very, very evident from some of the newspaper articles that were occurring at the time as well.

Given the fact that the Premier gave the mandate to the Minister of Health that there should be no perception of conflict of interest, why did the Premier let the Minister of Health get away with perpetuating that perception of conflict of interest all those years, up until the past couple of months or so?

Hon. Mr. Gallant: Again, the Minister of Health went to the Conflict of Interest Commissioner. We have legislative officers with clear roles and responsibilities, and the role of the commissioner is to ensure that he is the watchdog. He ensures that he provides advice. He provides interpretations to MLAs with regard to conflicts of interest or potential conflicts of interest.

The Minister of Health communicated with three commissioners under the *Conflict of Interest Act*, and all of them provided the advice that he was not in conflict. That is still the advice today, but the current Conflict of Interest Commissioner said that, given the new development of the potential recommendation to cease development in the area, he should recuse himself based on the potential of a perception of a conflict of interest. That is exactly what the minister has done, and that is exactly what our government has done as well. Thank you.

Mr. Speaker: The time for question period has expired.

